
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

REAGAN JAMES CALDWELL,

Plaintiff,

versus

RODERICK W. MCCARTNEY,

Defendant.

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CIVIL ACTION NO. 1:04-CV-398

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Reagan James Caldwell, a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to 42 U.S.C. § 1983 against Roderick W. McCartney.

The Court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The Court entered a default judgment against the defendant with respect to liability, and directed the magistrate judge to conduct an evidentiary hearing with respect to damages. After conducting the hearing, the magistrate judge submitted a Report and Recommendation. The magistrate judge recommends awarding plaintiff \$5,000 in compensatory damages, and pre-judgment and post-judgment interest at the rates allowed by law.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff contends that he is entitled to \$25,000, or more, in compensatory damages. However, the evidence supports the magistrate judge's finding that \$5,000 adequately compensates plaintiff for his injuries. After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 6th day of November, 2006.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE